

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER VATAJ,

Plaintiff,

v.

WILLIAM D. JOHNSON, et al.,

Defendants.

Case No. [19-cv-06996-HSG](#)

**ORDER GRANTING MOTION FOR
DISBURSEMENT OF FUNDS TO THE
CLASS**

Re: Dkt. No. 140

Pending before the Court is the motion for disbursement of funds to the class filed by Co-Lead Plaintiffs Iron Workers and Robert Allustiarti. Dkt. No. 140. The motion is unopposed. *See* Dkt. No. 141. For the reasons detailed below, the Court **GRANTS** the motion.

On November 5, 2021, the Court granted the parties' motion for final approval of the class action settlement. Dkt. No. 137. The Court directed the parties and the Settlement Administrator, A.B. Data, to implement the terms of the settlement agreement consistent with the Court's order. *See id.* at 17. Since then, A.B. Data has processed the Claim Forms it received, and has determined which individuals are Authorized Claimants under the settlement agreement. *See* Dkt. No. 140-1 at ¶¶ 3–4, 9–28, 31–32. Plaintiffs now seek an order permitting the settlement administrator to distribute the Net Settlement Fund to those Authorized Claimants. The Court held a telephonic conference to discuss the motion with the parties, and requested supplemental briefing on the claims that A.B. Data rejected. *See* Dkt. No. 143. Having reviewed Plaintiffs' supplemental filing, Dkt. No. 144, the Court finds that A.B. Data's review has been thorough and that disbursement of the Net Settlement Fund is appropriate. The Court therefore orders as follows:

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1 1. The Net Settlement Fund (less any necessary amounts to be withheld for payment
2 of potential tax liabilities and related fees and expenses) shall be distributed on a *pro rata* basis to
3 the Authorized Claimants identified in Exhibits D and E to the Declaration of Eric A. Nordskog in
4 Support of Motion for Settlement Class Distribution Order, at the direction of Lead Counsel
5 pursuant to the Stipulation and Agreement of Settlement, dated March 9, 2021 (the “Stipulation”)
6 (Dkt. No. 98) and the Plan of Allocation set forth in the Notice that was distributed pursuant to this
7 Court’s prior Order.

8 2. Any person asserting any rejected or subsequently filed claims are finally and
9 forever barred from the date of this Order.

10 3. The Court finds that the administration of the Settlement and proposed distribution
11 of the Net Settlement Fund complies with the terms of the Stipulation and the Plan of Allocation
12 and that all persons involved in the review, verification, calculation, tabulation, or any other aspect
13 of the processing of the claims submitted herein, or otherwise involved in the administration or
14 taxation of the Gross Settlement fund or the Net Settlement Fund are released and discharged from
15 any and all claims arising out of such involvement, and all Class Members are barred from making
16 any further claims against the Net Settlement Fund and the Released Persons beyond the amount
17 allocated to them pursuant to this Order.

18 4. The checks for distribution to Authorized Claimants shall bear the notation
19 DEPOSIT PROMPTLY; VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT
20 NEGOTIATED WITHIN 120 DAYS OF DISTRIBUTION.” Lead Counsel and the Claims
21 Administrator, A.B. Data, Ltd. (“A.B. Data”), are authorized to locate and/or contact any
22 Authorized Claimant who has not cashed his, her or its check within said time.

23 5. If any funds remain in the Net Settlement Fund by reason of uncashed checks or
24 otherwise, then, after the Claims Administrator has made reasonable and diligent efforts to have
25 Settlement Class Members who are entitled to participate in the distribution of the Net Settlement
26 Fund cash their distribution checks, any balance remaining in the Net Settlement Fund six (6)
27 months after the initial distribution of such funds shall be re-distributed to Settlement Class
28 Members who have cashed their checks and who would receive at least \$20.00 (Twenty Dollars)
from such re-distribution. If any funds shall remain in the Net Settlement Fund six months after

1 such re-distribution, then such balance shall be contributed to the Investor Justice and Education
2 Clinic at the Howard University School of Law in Washington D.C.


3 6. Following distribution of the Net Settlement Fund, A.B. Data is hereby ordered to
4 maintain the completed Proofs of Claims on file for three years after the Effective Date as defined
5 in the Stipulation.

6 7. In light of the large-scale nature of the distribution, A.B. Data is awarded
7 \$84,952.25 in fees and expenses already incurred and in anticipation of the work that will be
8 performed for the initial distribution. If the estimate of fees and expenses to conduct the initial
9 distribution is greater than the actual cost to conduct the distribution, the excess will be returned
10 to the Net Settlement Fund.

11 8. This Court retains jurisdiction over any further application or matter which may
12 arise in connections with this action.

13 **IT IS SO ORDERED.**

14 Dated: 12/7/2022

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16 HAYWOOD S. GILLIAM, JR.
17 United States District Judge
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